

REMARKS

This is intended as a full and complete response to the Final Office Action dated January 9, 2008, having a shortened statutory period for response set to expire on April 9, 2008. Applicants submit this response to place the application in condition for allowance or in better form for appeal. Please reconsider the claims pending in the application for reasons discussed below.

Claims 10-20, 33-42, 45-47, 50 and 51 are pending in the application. Claims 10-20, 33-42, 45-47, 50 and 51 remain pending following entry of this response.

Claim Rejections - 35 U.S.C. § 101

The Examiner rejects claims 33-42 under 35 U.S.C. § 101 suggesting that these claims are directed to non-statutory subject matter. Applicants respectfully traverse this rejection. The Examiner argues that these claims are not statutory subject because:

[Claims 33-42] are neither computer components nor statutory processes, as they are not "acts" being performed. Such claimed computer programs do not define any structural and functional interrelationships between the computer program and other claimed elements of a computer which permit the computer program's functionality to be realized. In contrast, a claimed recordable type media (as specified in the specification on paragraph [0037]) encoded with a computer program is a recordable type media element which defines structural and functional interrelationships between the computer program and the rest of the recordable type media which permit the computer program's functionality to be realized, and is thus statutory.

Final Office Action, p. 3. However, an examination of claim 33 clearly contradicts the assertion that these claims are "neither computer components nor statutory processes, as they are not 'acts' being performed." First, claim 33 is directed to a "computer readable storage medium, comprising a program which, when executed by a processor of a server configured with a default locale setting and a default time zone setting." Paragraph 37 describes an example of such "computer readable storage media" as follows:

Examples of signal bearing media include, but are not limited to, recordable type media such as volatile and nonvolatile memory devices,

floppy and other removable disks, hard disk drives, optical disks (e.g., CD-ROMs, DVDs, etc.)

Does the Examiner truly mean to suggest that these examples of a “computer readable storage medium” are not “computer components”? Second, claim 33 recites a specific sequence of functional steps performed by the program that clearly provide a useful, concrete and tangible result. That is, claim 33 recites a sequence of “acts” performed by the program when executed on a processor (also a “computer component”). Specifically, the claimed program performs a first parsing step, a second parsing step, an extracting step, a processing step, a generating step, an attaching step and a propagating step. Does the Examiner truly mean to suggest that these steps do not define a “functional interrelationships between the computer program and other claimed elements of a computer which permit the computer program's functionality to be realized”? Finally, the Federal Circuit has recently spoken on the specific issue of storage media claims, among other claim types. *In re Nuijten*, 500 F.3d 1346 (Fed. Cir. 2007). The Federal Circuit noted that the Board of Appeals and Interferences found some media claims statutory and others non-statutory. Particularly relevant to the present rejection is claim 15 of *In re Nuijten*, directed to a “storage medium”, which the PTO allowed. *Id.*, 1351. Therefore, Applicants submit that claims 33-42 are clearly directed to statutory subject matter and respectfully request, therefore, that this rejection be withdrawn.

Claim Rejections - 35 U.S.C. § 103

Claims 10-14, 17, 33-37, 40, 45, 47, 50-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2002/0162093 to *Zhou et al.* in view of U.S. patent Application No. 5,404,523 to *DellaFera et al.* Applicants respectfully traverse this rejection.

The Examiner bears the initial burden of establishing a *prima facie* case of obviousness. See MPEP § 2142. To establish a *prima facie* case of obviousness three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one ordinary skill

in the art, to modify the reference or to combine the reference teachings. Second, there must be a reasonable expectation of success. Third, the prior art reference (or references when combined) must teach or suggest all the claim limitations. See MPEP § 2143. The present rejection fails to establish at least the third criteria. Specifically, *Zhou* does not disclose a "method operative in a distributed computing environment having clients and a plurality of servers located across geographically dispersed boundaries" that includes "receiving, at a server, a first request from a client, wherein the first request is a request to invoke a remote procedure call at the server; and receiving, at the server, a second request from the client, wherein the second request comprises an internationalization context for processing the first request, wherein the internationalization context specifies geographically specific parameters set for the client," as recited by claim 10. Claims 33 and 45 recite a similar limitation.

In response to Applicants' arguments, the Examiner suggest as follows:

Zhou teaches wherein to illustrate the functionality of the resource bundle manager 602, suppose that a user who is attempting to logon to the server application resides in a locale that speaks a United States version of English. The logic layer 204 (FIG. 2) receives the request and prepares to return a reply in the form of a login screen 406 (FIG. 4). The logic layer 204 submits the identity of the locale and transfers control to the resource bundle manager 602 of the resource coordination layer to obtain the appropriate login screen for that locale. The resource bundle manager 602 takes the locale-independent document 426 produced by the internationalization compiler 402 and executes the function calls in the source code (i.e., flow path 604). In the illustrated example, the resource bundle manager 602 executes the "RBRGet" function call, passing in parameters including a locale identity of "en_US" and a text identity of "Login". The resource bundle manager 602 uses the locale identity parameter to access the appropriate resource bundle repository that contains the resource bundle 422 for "localeID=en_US" (i.e., flow paths 606 and 608). At this point, the text identity is used to index to the appropriate text string for "textID=Login" (i.e., flow path 610). The English text string "Please Log In" is returned to the resource bundle manager 602 (i.e., flow path 612) and inserted into the document core, thereby producing the locale-specific document 408 (i.e., flow path 614) (See paragraph [0095-0096]).

Final Office Action, pp. 2-3 (quoting *Zhou*, ¶¶ 0095, 0096).

Zhou discloses a:

compilation and translation system internationalizes an application authored for one locale for use in other locales. The system compiles documents (e.g., web pages, email forms, UI screens, etc.) authored for one locale by automatically extracting locale-sensitive content (e.g., language, regional information, slang, cultural aspects, etc.) into a separate data structure (e.g., a structured text file, database file, etc.). The source code and other locale-independent elements (e.g., formatting data) remain in the compiled document. The extracted content can then be translated for use in other locales. During runtime, requests from different locales can be served locale-sensitive responses by retrieving the compiled document and dynamically populating it with the appropriate content of the target locale.

Zhou, ¶ 8. More simply, *Zhou* discloses that certain documents (e.g., a web page) may be “compiled” by replacing locale specific information with a reference to a “resource bundle.” Paragraphs 0095 and 0096 describe that once such a document is processed, and stored, a web-server, (i.e., the application data manager of *Zhou*, Figure 6) may serve the document to a requesting client. Prior to serving the web-page to the client, however, the references in the “compiled document” are used by the “application data manager to “dynamically populate” the document “with the appropriate content of the target locale.” Nowhere in this process of serving web pages with some portion of dynamic content does *Zhou* disclose:

receiving, at a server, a first request from a client, wherein the first request is a request to invoke a remote procedure call at the server and receiving, at the server, a second request from the client, wherein the second request comprises an internationalization context for processing the first request,

as recited by claim 10. Instead the cited passages describe an example of a request for a log in screen where in response, the “application data manager” receives the request and prepares to return a reply in the form of a login screen 406 (FIG. 4). Clearly, the request for the login screen is not a “request to invoke a remote procedure call,” it’s a request for a web page. Further, nothing in this example describes a “second request” that “comprises an internationalization context for processing the first request.” In fact, nothing in the example from *Zhou* describes a second request at all. Instead, the client, requests a document, and in response, the server generates and returns the requested document.

Further, the Examiner also cites to *Zhou*, ¶¶ 0065-0074. Specifically, the present rejection provides:

Zhou et al teaches receiving, at a server, a first request from a client, wherein the first request is a request to invoke a remote procedure call at the server (See 6, paragraph [0065-0074] web page is served and rendered after user's request).

Final Office Action, p. 4. However, the cited passages describe how "a compilation and translation system" may be used to prepare certain documents for use by the "application data manager" described above. For example, *Zhou* provides:

FIG. 4 illustrates the compilation and translation system 400 that adapts servable content (e.g., documents, forms, web pages, UI screens, etc.) from one locale to one or more other locales. The compilation and translation system 400 employs a tool, referred to as the "internationalization compiler" 402, which reads documents (e.g., web pages, email forms, UI screens, etc.) of an application authored for one locale and automatically converts those documents into a form that can be easily localized to any other locale through the translation process.

Zhou, ¶ 0065. Nothing in *Zhou*, ¶¶ 0065-0074 describes a user doing anything at all. The Examiners assertion: "see 6, paragraph [0065-0074] web page is served and rendered after user's request," is plainly flawed. The Examiner goes on to suggest that *Zhou* discloses: "receiving, at the server, a second request from the client, wherein the second request comprises an internationalization context for processing the first request (See page 6, paragraph [0066], user enters login, password information)." *Final Office Action*, p. 4. However, *Zhou*, ¶ 0066 simply provides a description of the logon web-page, prior to being processed by the "compilation and translation system" of *Zhou*.

[0066] In the example illustrated in FIG. 4, suppose the document is a web page 404 that is created for a specific locale, which utilizes English. When served and rendered, the web page 404 forms a logon screen 406 with English text. The logon screen 406 contains an English textual greeting "Please Log In:", an English textual element "User Name", a first entry field to accept alphabet character strings for the user's name, an English textual element "Password", and a second entry field to accept alphanumeric strings for the user's password. The logon screen 406 also includes an actuable "Submit" button.

[0067] For discussion purposes, suppose the web page 404 is written in HTML. An excerpt of the HTML code for the login greeting is illustrated within a hovering box 408. The login greeting is a textual element as

delimited by the text tags "<Text>, </Text>".¹ The entire HTML source code for the visible elements of screen 406 is presented below.

Zhou, ¶¶ 0066, 0067. These passages provide a description of what is included in the web page and how the page is processed by the "compilation and translation system" of *Zhou*. At the same time, nothing in these passages describe the page actually being used where a "user enters login, password information," as suggested by the Examiner. Admittedly, at ¶¶ 0095-0096, *Zhou* does disclose the web-page of *Zhou*, Figure 4, being used by a user after being processed according to the material at *Zhou*, ¶¶ 0065-0074. However, as demonstrated above, a user requesting the web-page processed by the actions of the "application data manger" described in *Zhou* do not disclose the limitations recited by claim 10.

Furthermore, the Examiner goes on to suggest that *Zhou* discloses:

extracting the internationalization context from the second request (See page 6, paragraph [0074], the compiler extracts the locale-specific elements); processing the first request at the server using the internationalization context (See page 6, paragraph [0074, 0077], replaces the extracted elements in the web page with function calls to the resource bundle); attaching the internationalization context to the first request (See page 6, paragraph [0066-0074];

This argument is simply flawed. Earlier, the Examiner suggests that *Zhou* discloses "a first request from a client, wherein the first request is a request to invoke a remote procedure call at the server (See 6, paragraph [0065-0074] web page is served and rendered after user's request). Notwithstanding the problem that *Zhou*, ¶¶ 0065-0074, actually describes how the "compilation and translation" system may be used to process the example web-page of *Zhou*, Figure 4, once the page is page is "served and rendered after user's request," as suggested by the Examiner, why would any further processing of the request be performed by the server at all? Further, what "locale-

¹ Applicants note that *Zhou* itself may be fundamentally flawed. Paragraph 0066-0069 refers to "HTML code," and then describes this "HTML code" as including content within "<Text>, </Text>" tags. Importantly, the "<Text>" tags are described as what is used by the "compilation and translation system" to identify what content of the document should be "compiled." These same "<Text>" tags are used throughout *Zhou* as well as in the Examples cited by the Examiner. However, HTML does not provide a <text> tag at all. Thus, the invention disclosed in *Zhou* critically relies on something that simply does not exist.

specific elements” would be extracted from the web page after it is “served and rendered after user’s request”? Respectfully, the argument is simply untenable.

Fundamentally, the problem with the Examiner’s position is that *Zhou*, ¶¶ 0065-0074 provides a description of what is included in the example web page and how the page is processed by the “compilation and translation system” of *Zhou* and not the web page actually being used in the manner suggested by the Examiner. Furthermore, the material at *Zhou*, ¶¶ 0095-0096 which does disclose the web-page of *Zhou*, Figure 4 being used by a user after being processed according to the material at *Zhou*, ¶¶ 0065-0074 does not disclose the limitations recited by claim 10.

For all the foregoing reasons, Applicants submit that *Zhou* does not disclose elements of claim 10 as suggested by the Examiner. Further, independent claims 33 and 45 recite similar limitations. Accordingly, Applicants submit that the present claims are patentable over *Zhou* in view of *DellaFera*. Thus, Applicants respectfully request that this rejection be withdrawn.

Claims 15-16, 18-20, 38-39, 41-42 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2002/0162093 to *Zhou et al.* in view of U.S. patent Application No. 5,404,523 to *DellaFera et al.* as applied to claims 10 and 33 above, and further in view of U.S. Patent Application No. 2002/0184308 to *Levy et al.*

Claims 15-16, 18-20, 38-39, 41-42 and 46 each depend from one of claims 10, 33, and 45. Accordingly, for all the reasons given above, Applicants submit that claims 15-16, 18-20, 38-39, 41-42 and 46 are patentable over *Zhou* in view of *DellaFera*. Thus, Applicants respectfully request that this rejection be withdrawn.

Therefore, the claims are believed to be allowable, and allowance of the claims is respectfully requested.

Conclusion

Having addressed all issues set out in the office action, Applicants respectfully submit that the claims are in condition for allowance and respectfully request that the claims be allowed.

If the Examiner believes any issues remain that prevent this application from going to issue, the Examiner is strongly encouraged to contact Gero McClellan, attorney of record, at (336) 643-3065, to discuss strategies for moving prosecution forward toward allowance.

Respectfully submitted, and
S-signed pursuant to 37 CFR 1.4,

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